

S/N 10/712,773

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lenny Wong et al.

Examiner: Bruce A. Lev

Serial No.: 10/712,773

Group Art Unit: 3634

Filed: November 13, 2003

Docket: 1261.002US3

Title: WINDOW SASH POSITION MAINTAINER

TERMINAL DISCLAIMER

MS AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

I, Catherine I. Klima-Silberg, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on November 13, 2003. I am making this petition on behalf of Marvin Lumber and Cedar Company, d/b/a Marvin Windows and Doors, the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Marvin Lumber and Cedar Company, d/b/a Marvin Windows and Doors, certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/712,773) and to U.S. Patent Nos. 6,141,913 and 6,672,009. Your petitioner owns the entire right, title, and interest of this application and the above-noted patents by nature of the following assignments recorded with the U.S. Patent and Trademark Office:

1. An assignment for U.S. Patent No. 6,141,913, recorded on June 8, 1999 on Reel 010025, at Frame 0457. U.S.
2. An assignment for U.S. Patent No. 6,672,009 (continuation of U.S. 6,141,913), recorded on November 1, 2000 on Reel 11640, at Frames 858 - 861. The above-identified patent application (Serial No. 10/712,773) is a continuation of U.S. Patent No. 6,672,009.

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The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, Marvin Lumber and Cedar Company, d/b/a Marvin Windows and Doors, seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any terminal disclaimers, of U.S. Patent No. 6,672,009 and/or 6,141,913. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 6,672,009 an/or 6,141,913 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,672,009 and/or U.S. Patent No. 6,141,913 in the event that said patents later expires for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), have all claims canceled by a reexamination certificate, or are otherwise terminated prior to the expiration date of their statutory terms as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

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Fee Status

Please charge Deposit Account No. 19-0743 in the amount of \$110.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer, is enclosed herewith. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

LENNY WONG ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER
& KLUTH, P.A.

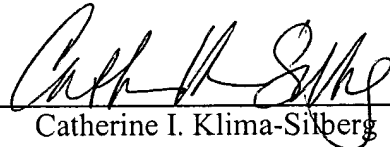
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Date Oct. 8, 2004

By



Catherine I. Klima-Silberg

Reg. No. 40,052

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8th day of October, 2004.

PATRICIA A. HULTMAN
Name


Signature